FACSIMILE COVER SHEET

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TO: Examiner Susan Marie Hanley
U.S. Patent Office, Examining Group 1651

FAX NO.: (703) 872-9306

FROM: Doran R. Pace

DATE: April 12, 2005

NO. OF PAGES (INCLUDING COVER SHEET): 5

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. GJE-81
OPTICAL MICROSCOPY AND ITS USE IN THE STUDY OF CELLS
(Korchev, Klenerman, Lab)
Serial No. 10/030,868; filed October 18, 2001

Attachment: Request for Refund (4 pages, including attachments)

OFFICIAL COMMUNICATION
PLEASE DELIVER TO EXAMINER HANLEY
IMMEDIATELY

If you do not receive all pages or if any transmission is not legible, call the sender at (352)375-8100.

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 12, 2005.

_____
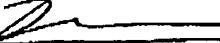
Doran R. Pace, Patent Attorney

REQUEST FOR REFUND
Examining Group 1651
Patent Application
Docket No. GJE-81
Serial No. 10/030,868

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	Susan Marie Hanley
Art Unit	:	1651
Applicants	:	Yuri Evgenievich Korchev, David Klenerman, Max Joseph Lab
Serial No.	:	10/030,868
Filed	:	October 18, 2001
Conf. No.	:	8909
For	:	Optical Microscopy and its Use in the Study of Cells

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND BASED ON IMPROPER CLAIM CALCULATION

Sir:

Applicants respectfully request a refund in the above-referenced patent application for the following reason:

Applicants respectfully assert that a total of 35 claims were presented when the subject application was filed. In addition, in Applicants' Amendment dated August 23, 2004, a total of 33 claims remained after amendment. As noted on the attached Patent Application Fee Determination Record, this information is correct.

However, on February 16, 2005, Applicants submitted by facsimile transmission an Amendment Under 37 CFR §1.116 with a total of 35 claims (claims 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, and 54). Applicants note in the February 16 Amendment that claims 53 and 54 were newly added. On March 23, 2005, the undersigned's Deposit Account No. 19-0065 was charged $50.00 (control number 4) for an extra claim fee, a copy of which is attached. Applicants respectfully assert that the Patent Application Determination Record (copy attached hereto), Amendment B, is incorrect in the

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2   Docket No. GJE-91
                                      Serial No. 10/030,868

recitation that 36 claims remain after amendment. Because the highest number of claims previously paid for and the claims remaining after amendment is 35, Applicants respectfully assert that the undersigned representative's Deposit Account should not have been charged for the one (1) extra total claims fee.

Applicants respectfully request that the Patent Application Fee Determination Record be reviewed based on improper claim calculations. The undersigned respectfully requests a refund in the amount of $50.00 to Deposit Account No. 19-0065.

Respectfully submitted,
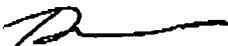
Doran R. Pace
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Phone No.:   352-375-8100
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Address: P.O. Box 142950
              Gainesville, FL 32614-2950

DRP/sl
Attachments: Copy of Deposit Account statement; copy of Patent Application Fee Determination
              Record

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United States
Patent and
Trademark Office

Requested Statement Month:	Mar-05
Deposit Account Number:	190065
Name:	SALIWANCHIK, LLOYD & SALIWANCHIK
Attention:	
Address:	PO BOX 142950
City:	GAINESVILLE
State:	FL
Zip:	32614
Country:	UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT
23-Mar	4	10030868	GJE-81	1202	$50.00

PATENT APPLICATION FEE DETERMINATION RECORD
Effective O 3r 1, 2004

Application or Docket Number

10/030868

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	35 minus 20=	15
INDEPENDENT CLAIMS	3 minus 3 =	
MULTIPLE DEPENDENT CLAIM PRESENT		☐

SMALL ENTITY TYPE ☐	RATE	FEE	OR	OTHER THAN SMALL ENTITY	RATE	FEE
	BASIC FEE	445	OR		BASIC FEE	890
	X$ 9=		OR		X$18=	270
	X42=		OR		X84=	
	+140=		OR		+280=	
	TOTAL		OR		TOTAL	1160

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	33	Minus	35	7
Independent	2	Minus	3	7
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐				

SMALL ENTITY	RATE	ADDITIONAL FEE	OR	OTHER THAN SMALL ENTITY	RATE	ADDITIONAL FEE
	X$ 9=		OR		X$18=	
	X40=		OR		X80=	
	+135=		OR		+270=	
	TOTAL ADDIT FEE		OR		TOTAL ADDIT FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	36	Minus	35	1
Independent	3	Minus	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐				

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	50
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT FEE	50

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total		Minus		
Independent		Minus		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐				

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT FEE		OR	TOTAL ADDIT FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 1
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20"
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3"
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.